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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS W. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

MARIO THOMAS

2359 BARBARO DRIVE

BARTLETT, TN 38134

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. _____

QDOBA Mexican Grill

7111 Southcrest Parkway, Suite 101

Southaven, MS 38671

(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, MARIO THOMAS

(name of plaintiff)

is a citizen of the United States and resides at 2359 BARBARO DRIVE

(street address)

Bartlett

(city)

United States of America

(country)

Tennessee

(state)

38134

(zip code)

901-215-6330

(telephone number)

3. Defendant QDOBA MEXICAN GRILL

(defendant's name)

lives at, or its business is located at 7111 Southcrest Parkway Suite 101
(street address)
Southaven, MS 38671

4. Plaintiff sought employment from the defendant or was employed by the defendant at

7111 Southcrest Parkway Suite 101
(street address)
Southaven U.S.A. MS 38671
(city) (country) (state) (zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 13th SEPTEMBER 2010

(day)

(month)

(year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 14th SEPTEMBER 2010

(day)

(month)

(year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 14th SEPTEMBER 2010

(day)

(month)

(year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 2nd Dec. 2011. (Attach a copy of the notice to this complaint.)
(day) (month) (year)

9. Because of plaintiff's (1) X race, (2) X color, (3) ___ sex, (4) ___ religion, (5) X national origin, defendant

(a) ___ failed to employ plaintiff.

(b) X terminated plaintiff's employment.

(c) X failed to promote plaintiff.

(d) ___

10. The circumstances under which defendant discriminated against plaintiff were as follows: ON MARCH 12, 2010, I (MARIO THOMAS) WAS HIRED WITH THE ABOVE EMPLOYER AS A COOK. SINCE I WAS HIRED WITH THE ABOVE EMPLOYER, I HAVE BEEN SUBJECTED TO UNEQUAL TERMS AND CONDITIONS OF MY EMPLOYMENT UNLIKE A SIMILARLY SITUATED WHITE EMPLOYEE (DANIEL LNU). I AND ANOTHER BLACK EMPLOYEE (DETONIO SYKES) WERE DENIED FULL TIME HOURS. IN ADDITION, THE LINE SUPERVISOR (SHERY LNU) CURSED AT EMPLOYEES IN A DISRESPECTFUL MANNER AND REQUIRED THE BLACK EMPLOYEES TO WEAR THEIR UNIFORM HATS BUT SHE DID NOT REQUIRE THE WHITE EMPLOYEE TO WEAR HIS HAT. AFTER HAVING AN ON THE JOB INJURY, MY WORK SCHEDULE WAS CHANGED WITHOUT NOTIFYING ME. ON SEPTEMBER 13, 2010, I WAS TAKEN OFF THE SCHEDULE. I BELIEVE I HAVE BEEN DISCRIMINATED AGAINST BECAUSE OF MY RACE (BLACK).

11. The acts set forth in paragraph 9 of this complaint

- (a) ____ are still being committed by defendant.
 (b) ____ are no longer being committed by defendant.
 (c) X may still be being committed by defendant.


12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) ____ Defendant be directed to employ plaintiff, or
 (b) ____ Defendant be directed to re-employ plaintiff, or
 (c) ____ Defendant be directed to promote plaintiff, or;
 (d) X Defendant be directed to compensate Plaintiff

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes X No ()


 SIGNATURE OF PLAINTIFF